

# **Enchanted Forest Property Owner's Association**

## **Building and Use Restrictions for**

### **Enchanted Forest (lots 1 through 314)**

### **Enchanted Forest #2 (lots 315 through 537)**

### **Enchanted Forest #3 (lots 545 through 673)**

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The Recorded Restrictions describe land use, type and size of construction, setback requirements and limits on tree clearing. Property Owners must be familiar with these restrictions before clearing their property or building. The Manager(s) must be consulted before such activities take place, since approval of building plans by the EFPOA is required prior to the start of construction.<sup>5</sup>

Building Control Committee-The Building Control Committee (a.k.a. Buildings & Grounds Committee) must approve all building request before any lot clearing or building construction is started.<sup>6</sup>

Construction is defined as breaking of ground<sup>21</sup>

The purpose of these restrictions is to insure the use of the entire plat for attractive residential purposes, to prevent nuisances, to prevent imperilment of the attractiveness of the property, to maintain the desirability of the community and thereby to secure such property owner the full benefits and enjoyments of his home with no greater restrictions upon the free and undisturbed use of his property that are necessary to insure the same advantages to other owners. Any reasonable modification to the within restrictions shall, if proposed by a lot owner regarding building on that lot, be considered by the EFPOA and if approved will then be submitted in writing to the abutting lot owners, and if so consented to in writing, may be recorded and when recorded shall modify the original restrictions.<sup>1</sup>

All variances other than setback matters must come to the Board. The Building and Grounds committee will determine if the situation does or doesn't meet the Deeded Restrictions and/or B & G regulations. If it does not, the property owner must submit a request to the Board as a whole for a final decision in the matter. Further, the Building and Grounds Committee will be asked to provide a simple accounting of transactions/activities each month to keep the Board informed and the lines of communication open for all parties.<sup>7</sup>

These restrictions may be enforced by the EFPOA or by any lot owner. They may be enforced by all lawful means, including without limitation, suits in courts of equity having jurisdiction to issue injunctions and violations may be removed and abated at the cost of the person violating said restriction.<sup>1</sup>

Breaches of the Recorded Restrictions or Rules and Regulations will be reported to the Rules & Regulations Committee or to the Manager(s). The following general course of action will be taken, except that where maintenance fees are unpaid, when the matter shall proceed directly into suspension of privileges and, when appropriate, legal action.<sup>5</sup>

Step 1 - Verbal and/or written warning to the violator (or Property Owner, if the violation is by a Guest(s) or Renter(s) will be given by the Manager(s).

Step 2 - If the verbal warning is not effective, a written warning/notice will be issued from Board of Directors specifying the details of the violation.

Step 3 - If the written warning/notice does not resolve the problem, the Board of Directors will revoke the "good standing" status of the Property Owner, thereby suspending the use and privileges of Association facilities and amenities for that person, including Guest(s) and Renter(s). In cases of unpaid maintenance fees, this suspension shall become automatic on the date payment of maintenance fees becomes delinquent.

# Restrictions Applicable to All Lots

A replacement penalty for any tree, excluding Aspens or Poplars, that is cut or otherwise removed from any property without the expressed permission of the Building and Grounds Committee, and/or Board. Trees shall be replaced with trees of like species, nursery reared, and of sapling size (1" caliper) <sup>8</sup>

The construction of outbuildings or garages, prior to the construction of the primary residence is prohibited. <sup>9</sup>

Property owners are required to locate their ½-inch re-rod property markers and obtain county building permit prior to Manager or the Building and Grounds Committee authorizing cutting of trees for construction. <sup>20</sup>

Every dwelling erected shall be a private residence for use by the owner or occupant. No part of said premises shall be used for commercial or manufacturing purposes. <sup>1</sup>

Site built homes may be constructed on any lot.

Modular BOCA code homes are allowed on all lots. <sup>19</sup>

Definition: A structure, transportable in one or more sections, which is built and designed to be sold or used as a dwelling, with permanent foundation, when connected to the required utilities, and including the plumbing, heating, air conditioning and electrical systems contained within the structure. Modular home does not include recreational vehicles or equipment. Modular Homes must be BOCA approved. <sup>6</sup>

Any structure erected must be set back no less than 75 feet from the front lot line and not less than 30 feet from rear lot line or any side street lot line. Sideline setbacks shall not be less than 10 percent of the width of the lot at building line and must comply with county health regulations. <sup>1</sup>

Every dwelling within the Development, except on lots 41 through 98, 121 through 172, 188 through 206, and 235 through 249, shall comply with all of the following: <sup>6</sup>

Shall have wood floor joist or supports other than steel support beams.

Shall have a minimum 4/12 roof pitch.

Shall be firmly and permanently attached to a solid foundation constructed on the site in accordance with applicable building codes, and said foundation shall form a fully enclosed basement or crawl space.

Shall not have exposed wheels, towing mechanism, undercarriage or chassis.

Shall contain no additions of rooms or other areas which are not constructed with similar materials, are similar in appearance and have similar quality of workmanship as in the original structure.

Shall be built and comply with all applicable building and fire codes.

Shall be built with Interior walls not be less than 7' 9" in height.

No dwelling shall be erected in excess of two stories above grade. The side that faces the street shall be considered to be the front of any dwelling erected in the subdivisions. <sup>1</sup>

No living area below ground level shall be included in computing the amount of square footage required hereunder. <sup>1</sup>

No pop-up travel trailers, recreational vehicles, or other equipment including tents, shall be used as temporary living quarters.<sup>5</sup> And further, that no tents shall be erected nor shall there be camping of any kind on undeveloped lots.<sup>5 & 10</sup>

All construction materials, including all mobile and manufactured homes, must be new.<sup>1, 21</sup>

All residences must have a private inside bathroom facilities.<sup>1</sup>

All Structures shall be completed on the exterior within six months from the start of construction including two coats of paint or varnish on any exterior wood surfaces. Exterior walls must be finished with approved siding materials or if concrete block is to be used as an exterior surface, it must be painted with two coats of masonry paint.<sup>1</sup>

All septic tanks or other devices for the sanitary disposal of waste shall be installed in compliance with County Health Department regulations. A grid map of the lot showing locations of well and septic tank is to be sent to the County Health Department or other designated authority. The Building and Grounds Committee shall be furnished with copies of the grid map showing location of the well and septic tank as well as the proposed location of fuel tanks and their location will be subject to the approval of the Building and Grounds Committee.<sup>1</sup>

No unsightly receptacle for the storage or disposal of garbage or trash shall be placed on any lot.<sup>1</sup>

Temporary canvas, plastic, fiberglass, metal, etc., carport structures are not permitted.<sup>5 & 11</sup>

No docks or other structures may be erected within the waters of Guthrie Lake without approval of the E.F.P.O.A.<sup>1</sup> Docks will not extend out into the lake not more than 30' from the shoreline.<sup>12</sup>

Sheds must conform to the appearance of the residence and must be located so that they will not be considered an eye sore and be located to the rear of the residence, the side that faces the street shall be considered to be the front of the residence. All storage buildings must be approved prior to installation.<sup>12, 24</sup>

All sheds shall be placed or constructed on a solid flooring consisting of a minimum 3/4 " tongue & groove OSB sheathing on treated wood 4 X 4 supports or 4" concrete slab, and shall be constructed with a rat wall 18" deep constructed of a minimum 1" thick treated wood or 4" thick concrete.<sup>13</sup>

Hunting, Trapping, and Discharge of Firearms or any other weapon and burning of garbage, trash or other refuse are prohibited. Brush, leaves and twigs may be burned, however, a DNR permit must be obtained in advance. Residents may maintain archery ranges on their property, but only if the range has been approved by the Manager(s) and does not constitute a risk of harm to other persons or property.<sup>1 & 5</sup>

## **Restrictions Unique to Enchanted Forest (lots 1 through 314)<sup>2</sup>**

Modular (BOCA), Mobile, and Manufactured (HUD) homes are allowed on the lots 41 through 98, 121 through 172, 188 through 206, and 235 through 249.<sup>2</sup>

Mobile and Manufactured (HUD) homes must have a minimum 600 square foot of living area above grade on the ground floor, be set back not less than 100 feet from the front lot line, and set parallel with the front lot line unless otherwise approved by the Building and Grounds Committee. The Building and Grounds Committee may give approval for a smaller setback.<sup>2 & 3</sup>

Definition: (Consistent with Otsego County definitions) Mobile Home means a structure, transportable in one or more sections, which is built on a chassis and designed to be used as a dwelling with or without permanent foundation, when connected to the required utilities, and includes the plumbing, heating, air-

conditioning, and electrical systems contained in the structure. Mobile Home does not include recreational vehicles or equipment. <sup>14</sup>

Mobile Homes foundations are required to have concrete slab and retention wall instead of county requirements. <sup>15</sup>

Mobile homes must be set up with well, septic tank, approved foundation, and skirting. They must be approved by the Building & Grounds Committee prior to installation. <sup>2, 16, 23</sup>

Only Modular (BOCA code) homes and site built homes are allowed on lots 1 through 40, 99 through 120, 173 through 187, 207 through 234, and 250 through 314. <sup>2</sup>

Modular (BOCA code) homes and site built homes must have a minimum enclosed living area of 720 sq. ft. above grade on ground floor. Two-story buildings may be built with a total of 720 sq. ft. above grade and 600 sq. ft. minimum on ground floor. <sup>2</sup>

Any garage erected must conform in appearance to the residence structure on lot and be attached to the building or to the rear of the residence. <sup>2</sup> The term "attached" means structurally attached and sharing at the foundation a common wall & roof between the garage and the residence, and "detached and to the rear" means behind the rear most wall of the residence on the adjacent side of the house to the garage construction. <sup>17</sup>

No trees larger than 3 inches in diameter <sup>8</sup> measured 3 feet from the ground, may be cut without the written permission of the Building and Grounds Committee. The Building & Grounds Committee will grant permission to cut trees as necessary for building. This includes sewage, driveway, building and parking areas. <sup>1</sup>

## **Restrictions Unique to Enchanted Forest #2 (lots 315 through 537) <sup>3</sup>**

Modular (BOCA code) homes and site built homes placed or altered on lots in this subdivision shall have a minimum enclosed living area above grade or shall be otherwise restricted as follows: (a) Lots 315 through 416, 437 through 444, 465 through 474, 476 through 512 and 514 through 537 shall have a minimum of 720 square feet above grade with 600 square feet minimum on ground floor. (b) Lots 417 through 429, 446 through 453, 455 through 460 and 462 through 464 have a minimum of 1000 square feet above grade with 860 square feet minimum on ground floor. (c) Lot 430 and lots 432 through 436 shall have a minimum of 1200 square feet above grade with 980 square feet minimum on ground floor. (d) Lots 538 through 544 are non-buildable sites upon which no structure may be erected. <sup>3</sup>

Any garage erected must conform in appearance to the residence structure on lot and be attached to the residence. <sup>3</sup> The term "attached" means structurally attached and sharing at the foundation a common wall and roof between the garage and the residence. <sup>17</sup>

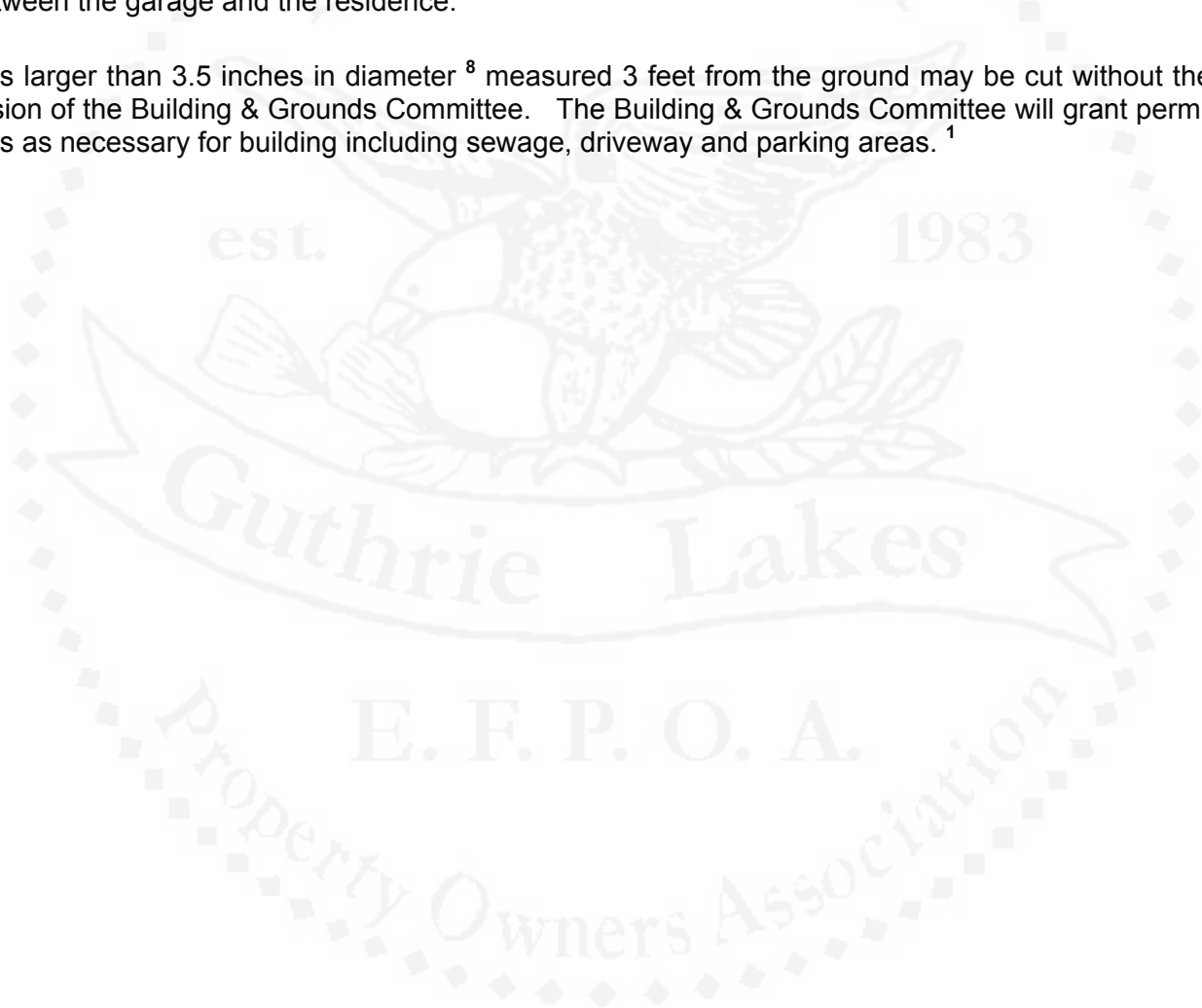
No trees larger than 3.5 inches in diameter <sup>8</sup> measured 3 feet from the ground may be cut without the written permission of the Building & Grounds Committee. The Building & Grounds Committee will grant permission to cut trees as necessary for building including sewage, driveway and parking areas. <sup>1</sup>

# **Restrictions Unique to Enchanted Forest #3 (lots 545 through 673) <sup>4</sup>**

Modular (BOCA code) homes and site built homes placed or altered on lots in this subdivision shall have a minimum enclosed living area above grade or shall be otherwise restricted as follows: (a) Lots 545 through 586 and 622 through 667 shall have a minimum of 860 square feet above grade with 720 square feet minimum ground floor. (b) Lots 587 through 621 shall have a minimum of 1,000 square feet above grade with 900 square feet minimum on ground floor. (c) Lots 668 through 673 shall have a minimum of 1,200 square feet above grade with 1,000 square feet minimum on ground floor. <sup>4</sup>

Any garage erected must conform in appearance to the residence structure on lot and be attached to the residence. <sup>4</sup> The term "attached" means structurally attached and sharing at the foundation a common wall and roof between the garage and the residence. <sup>17</sup>

No trees larger than 3.5 inches in diameter <sup>8</sup> measured 3 feet from the ground may be cut without the written permission of the Building & Grounds Committee. The Building & Grounds Committee will grant permission to cut trees as necessary for building including sewage, driveway and parking areas. <sup>1</sup>



## **Footnote/References Key**

- <sup>1</sup> Deeded Restrictions , Liber 148, pages 224-233, Liber 184, pages 50-57, and Liber 153, pages 346-358, and Liber 160, pages 164-173
- <sup>2</sup> Deeded Restrictions , Liber 148, pages 224-233, Liber 184, pages 50-57
- <sup>3</sup> Deeded Restrictions , Liber 153, pages 346-358
- <sup>4</sup> Deeded Restrictions , Liber 160, pages 164-173
- <sup>5</sup> Rules & Regulations approved 2/24/2001
- <sup>6</sup> Board Approved Document dated 10/8/1994
- <sup>7</sup> Board consensus as reflected in Minutes of 7/1/2000 meeting
- <sup>8</sup> Board motion as reflected in the Minutes of 9/12/1998 meeting
- <sup>9</sup> Board motion as reflected in the Minutes of 8/15/1992 meeting
- <sup>10</sup> Board motion as reflected in the Minutes of 7/4/1998 meeting
- <sup>11</sup> Board motion as reflected in the Minutes of 2/12/2000 meeting
- <sup>12</sup> Board motion as reflected in the Minutes of 9/1/1984 meeting
- <sup>13</sup> Board motion as reflected in the Minutes of 10/14/2000 meeting
- <sup>14</sup> Board motion as reflected in the Minutes of 4/10/1999 meeting
- <sup>15</sup> Board motion as reflected in the Minutes of 12/20/1997 meeting
- <sup>16</sup> Board motion as reflected in the Minutes of 3/18/1995 meeting
- <sup>17</sup> Board motion as reflected in the Minutes of 12/9/2000 meeting
- <sup>18</sup> Board motion as reflected in the Minutes of 12/9/2000 meeting
- <sup>19</sup> Board motion as reflected in the Minutes of 8/25/2001 meeting
- <sup>20</sup> Board motion as reflected in the Minutes of 1/8/05 meeting
- <sup>21</sup> Board Motion as reflected in the Minutes of 10/22/05 meeting
- <sup>22</sup> Board Motion as reflected in the Minutes of 01/14/06 meeting
- <sup>23</sup> Board Motion as reflected in the Minutes of 01/14/06 meeting (rescinds #16, 5-year requirement on mobile homes)
- <sup>24</sup> Board Motion as reflected in the Minutes of 09/09/06 meeting